UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:20-cr-47-MOC

UNITED STATES OF AMERICA,)	
vs.)	ORDER
LAWRENCE KEITH LIMON,)	<u>ORDER</u>
Defendant.)	
)	

THIS MATTER is before the Court on Defendant's pro se Motion Seeking Appointment of Counsel and for Reduction in Sentence Pursuant to 18 USC 3582(c)(1)(A)(ii). (Doc. No. 43). The Government has filed a response. (Doc. No. 47).

Defendant pleaded guilty to distribution of child pornography and is currently serving his sentence at FCI Jesup. Defendant seeks immediate release pursuant to 18 U.S.C. § 3582(c)(1)(A) due to family concerns regarding care for his dependent daughter, Defendant's personal health, and concerns related to the COVID-19 pandemic.

Title 18, Section 3582(c)(1)(A)(i) authorizes criminal defendants to request compassionate release from imprisonment based on "extraordinary and compelling reasons." But before doing so, they must at least ask the Bureau of Prisons to do so on their behalf and give the Bureau thirty days to respond. See United States v. Raia, No. 20-1033, 2020 WL 1647922, at *1 (3d Cir. Apr. 2, 2020).

Defendant failed to demonstrate he has exhausted his administrative remedies before filing his pro se motion. Here, as the Government asserts in its response, Defendant's motion was accompanied by an unsigned and unanswered request to the Warden of FCI Jesup for compassionate release. (Doc. No. 43, Ex. 1). Defendant does not provide any proof that this

request was submitted, or provide any response from the BOP. Furthermore, an attorney for the BOP conducted a review of BOP records and was unable to locate Defendant's request. (Doc. No. 47 at 2). There is no further indication that Defendant has made any compassionate release request to the BOP. (Id., Ex. 1). Because Defendant has not exhausted available administrative remedies, the Court denies Defendant's motion for reduction in sentence.

Because the Court denies Defendant's motion for reduction in sentence, Defendant's accompanying motion for appointment of counsel to assist him with pursuing his motion for reduction in sentence is moot.

ORDER

IT IS, THEREFORE, ORDERED that Defendant's pro se Motion Seeking

Appointment of Counsel and for Reduction in Sentence Pursuant to 18 USC 3582(c)(1)(A)(ii),

Doc. No. 43, is **DENIED**, without prejudice to Defendant to refile the motion after he has

exhausted his administrative remedies with the BOP.

Signed: May 8, 2023

United States District Judge